

CONSTRUCTION LAW CHANGES IN ONTARIO

As of April 25, 2019

Page 1 of 6

Provincial Government Bills
1st Session, 42nd Parliament

Bill 2, Urgent Priorities Act, 2018

(Minister of Energy, Northern Development and Mines)

This Bill is essentially three separate pieces of legislation in which the only subject matter in common is that each item is deemed by the current government to be priority legislation.

SCHEDULE 1 - Hydro One Accountability Act, 2018

SCHEDULE 2 -White Pines Wind Project Termination Act, 2018

SCHEDULE 3 - Back to Class Act (York University), 2018

- Royal Assent July 25, 2018

Bill 4, Cap and Trade Cancellations Act, 2018

(Minister of the Environment, Conservation and Parks)

- Royal Assent received on October 31, 2018

Bill 5, Better Local Government Act, 2018

(Minister of Municipal Affairs and Housing)

- Royal Assent received August 14, 2018

Bill 31, Efficient Local Government Act, 2018

(Minister of Municipal Affairs and Housing)

This Bill is essentially identical to Bill 5, the Better Local Government Act, 2018 with the additional clause to overcome the Superior Court of Justice Ruling on September 10, 2018 that the Act as it affects the City of Toronto violates the Canadian Charter of Rights and Freedoms and is therefore null and void.

- Second Reading debated September 17, 2018.

CONSTRUCTION LAW CHANGES IN ONTARIO

As of April 25, 2019

Page 2 of 6

Bill 34, Green Energy Repeal Act, 2018

(Minister of the Energy, Northern Development and Mines)

- Royal Assent received December 6, 2018.

Bill 47, Making Ontario Open for Business Act, 2018

(Minister of Economic Development, Job Creation and Trade)

- Royal Assent Received November 21, 2018

Bill 57, Restoring Trust, Transparency and Accountability Act, 2018

(Minister of Finance)

- Royal Assent Received December 6, 2018

Bill 66, Restoring Ontario's Competitiveness Act, 2018

(Minister of Economic Development, Job Creation and Trade)

This Bill amends and repeals a number of statutes for the alleged purpose of restoring Ontario's competitiveness with other jurisdictions. Amended statutes include but are not limited to the Employment Standards Act, 2000, the Labour Relations Act, 1995, and the Planning Act. One of the more controversial changes is allowing some development in the Province's Greenbelt. Another controversial change is the relaxation of drinking water sources protection measures. See the Regulations section of this report regarding impact to the Operating Engineers Regulation.

- First Reading carried December 6, 2018
- Second Reading debated February 19, 20, 21, 26 and 27, March 5 and 6, 2019
- Second Reading carried on division March 6, 2019 and ordered referred to the Standing Committee on General Government
- Standing Committee public hearing in Toronto was held on Monday March 18, 2019
- Further Standing Committee consideration on March 20 and 21, 2019
- Reported as amended by Standing Committee on March 21, 2019 and ordered for Third Reading
- Third reading debated March 25 and 26, April 1 and 2, 2019
- Royal Assent, April 3, 2019

CONSTRUCTION LAW CHANGES IN ONTARIO

As of April 25, 2019

Page 3 of 6

***Bill 100, Protecting What Matters Most Act (Budget Measures), 2019
(Minister of Finance)***

This is an omnibus bill consisting of more than 170 pages that amends more than 60 separate statutes ranging from the Condominium Act to the Vital Statistics Act. One of the most significant changes, from an OGCA perspective is the proposed repeal of the Proceedings Against the Crown Act, which is the statute that governs any civil claims against the Ontario government, whether based on negligence or breach of contract. This could have far reaching impacts to immunize the Ontario government and government agencies against any liability for its wrongdoings. A hint of the type of consequences of this Bill might be Schedule 2 of Bill 2, which essentially outlawed any claims against the Ontario government for cancellation of the White Pines Wind Farm projects which by some estimates were about 80% complete.

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- First Reading carried April 11, 2019 carried on division;*
- Second Reading debated April 17 and 18, 2019;*

CONSTRUCTION LAW CHANGES IN ONTARIO

As of April 25, 2019

Page 4 of 6

Private Members' Bills 1st Session, 42nd Parliament

Bill 33, Rea and Walter Act (Truss and Lightweight Construction Identification), 2018

(Pettapiece, Randy, PC, Perth -- Wellington)

This Bill is identical to Bill 105 introduced on March 9, 2017 and progressed through to Second Reading and which was reintroduced on March 27, 2018. If passed, this Bill would amend the Building Code Act, 1992 regarding the identification of truss (wooden) and lightweight construction in specified buildings that are under construction or to be constructed. A new section 15.8.1 will require a truss identification emblem to be affixed to a building in prescribed size and location.

- First reading September 19, 2018
- Second Reading debated October 4, 2018
- Second Reading carried October 4, 2018 and referred to Standing Committee on Regulations and Private Bills

Bill 62, Protecting Vulnerable Road Users Act, 2018

(Bell, Jessica, NDP, University -- Rosedale)

This Bill would amend the Highway Traffic Act to stiffen the penalties of vehicle drivers who seriously injure or kill vulnerable road users such as pedestrians, cyclists and construction workers.

- First reading November 21, 2018

Bill 70, Registered Professional Planners Act, 2019

(Coe, Lorne, PC -- Whitby)

This Bill would impact Professional Planners by repealing the Ontario Professional Planners Institute Act, 1994, a private statute dating back to 1994, with a new public statute to regulate the planning profession. The new public statute would mandate a disciplinary investigation and sanction process for members, in a manner similar to the regulation of other professions such as architects.

- First Reading carried February 19, 2019
- Second Reading debated and carried February 28, 2019 and ordered referred to Standing Committee on General Government

CONSTRUCTION LAW CHANGES IN ONTARIO

As of April 25, 2019

Page 5 of 6

Bill 71, Paris Galt Moraine Conservation Planners Act, 2019 (Schreiner, Mike, Green Party -- Guelph)

This Bill would establish additional protection against any land development that might cause an adverse environmental impact within a defined region known as the Paris Galt Moraine. The legislation would also require official plan amendments for certain municipalities and municipal planning authorities.

- First Reading carried February 20, 2019
- Second Reading debated March 7, 2019
- Second Reading carried March 7, 2019 and ordered referred to the Standing Committee on General Government

Bill 92, Labour Relations Amendment Act (Replacement Workers), 2019 (Gelas, France NDP - Nickel Belt)

This Bill would restore certain provisions of the 1992 version of the state that were repealed in 1995, namely to restrict business from replacing striking or locked-out workers with replacement workers.

- First Reading carried March 28, 2019

Pending Proclamations of Bills

Not-for-Profit Corporations Act, 2010

Royal Assent October 25, 2010. As of **April 25, 2019** most of the Act has not yet been proclaimed in force.

CONSTRUCTION LAW CHANGES IN ONTARIO

As of April 25, 2019

Page 6 of 6

Regulations

(reflects contents of the Ontario Gazette through to **April 20, 2019**)

Ontario Regulation 349/17

WORKPLACE SAFETY AND INSURANCE ACT, 1997

This regulation was published in the September 16, 2017 edition of the Ontario Gazette. It amends O.Reg. 175/98 to postpone the revocation of certain existing non-construction industry exemptions of certain classes of workers by one year from January 1, 2019 to January 1, 2020.

Ontario Regulation 117/18

FAIRNESS IN PROCUREMENT ACT, 2018

This regulation was published in the April 14, 2018 edition of the Ontario Gazette. It designates suppliers of certain construction services and supplies from the state of New York as being subject to reciprocal restrictions to provide services to government agencies in the Province of Ontario, a response to restrictive legislation passed by the State of New York which prohibits certain construction services and materials originating outside of the US. The regulation will come into force upon the date that the Fairness in Procurement Act, 2018 is proclaimed into force.

Ontario Regulation 482/18

LABOUR RELATIONS ACT, 1995

This regulation was published in the December 8, 2018 edition of the Ontario Gazette. It amends O. Reg 94/07 which dealt with the distribution of decisions in relation to arbitration awards for a trade union. This Regulation will come into effect on July 1, 2019.

Operating Engineers Regulation - Ontario Regulation 219/01

Changes to the Technical Standards and Safety Act, 2000 that were included in Bill 66 (which received Royal Assent on April 3, 2019) included authorization to amend the Operating Engineers Regulation to allow for an alternate risk-based regulatory framework. Under this approach, businesses employing operating engineers would have the option to either comply with the alternate rules or continue adhering to requirements in the current regulation. The TSSA has published an online survey at https://engagetssa.org/oeregreview?tool=survey_tool&tool_id=consultation-survey#tool_tab, which will allow interested parties to submit comments on the proposed changes up until May 5, 2019. The alternate rules will come into effect at a date to be communicated by TSSA and the Ministry.